

Law Offices of
ZINDER, KOCH & McBRATNEY
Professional Corporation
15455 San Fernando Mission Blvd. Suite 409
Mission Hills, CA 91345
(818) 760-0100
Facsimile (818) 760-0103

(SPACE BELOW PROVIDED FOR FILING STAMP ONLY)

Jeffrey E. Zinder, Esq. - SB#89980
E-Mail: JEZinder@ZinderKoch.com

Attorney for Plaintiff, Financial Indemnity Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FINANCIAL INDEMNITY COMPANY.

Plaintiff.

VS

RAHEEL NADEEM dba SHAN
EXPRESS, JUSTIN JAMES
HANESWORTH CASTELLANOS,
EXPRESS MESSENGER SYSTEMS,
INC. dba ONTRAC, LISA BERGLUND,
Personal Representative of the Estate of
JOY COVEY, Deceased, TYLER
GERSTEIN, a minor, by and through his
Guardian ad Litem, LEE GERSTEIN,
M.D.

Defendants.

Case No.: 3:14-CV-04576-JCS

**REPORT BY COUNSEL ON
STATUS OF PREVIOUSLY
UNSERVED PARTIES FOR USE AT
CONTINUED CASE
MANAGEMENT CONFERENCE**

**Continued CMC
Date: May 15, 2015
Time: 2:00 p.m.
Courtroom: G**

TO THE COURT AND ALL PARTIES:

Plaintiff pursuant to the Court's Order issued during the initial Case Management Conference does hereby offer the following status report to the Court:

1 Plaintiff served, as set forth below all parties.

2 Plaintiff has reached an agreement with Counsel for Tyler Gerstein, a minor,
3 by and through his Guardian Ad Litem Lee Gerstein, M.D., to accept service and we
4 anticipate a responsive pleading within the next Thirty (30) days. Counsel for Lee
5 Gerstein, M.D. has signed a Notice of A Lawsuit and Request to Waive Service of A
6 Summons and it has been filed with the court on May 1, 2015 (Ex. 1).

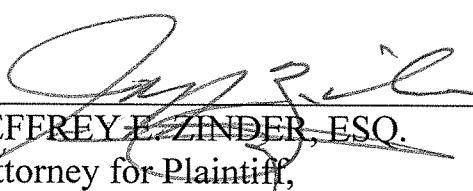
7 Plaintiff has served Lisa Berglund, Personal Representative of the Estate of Joy
8 Covey on April 1, 2015. On April 27, 2015 we prepared a Stipulation to extend time
9 to respond to the complaint to be signed by counsel for Lisa Berglund on behalf of
10 the Estate of Joy Covey. This Stipulation was filed with the Court and is attached
11 herewith. (Ex. 2)

12 Plaintiff and said party are in the process of finalizing another Stipulation
13 whereby the determination in this action between the other parties will be fully
14 binding as between these parties and upon receipt of that Stipulation will file same
15 with the Court and dismiss without prejudice Lisa Berglund, Personal Representative
16 of the Estate of Joy Covey.

17 Plaintiff therefore requests a further continuance of the Case Management
18 Conference for 45 days or as established by the Court.

19 **ZINDER, KOCH & MCBRATNEY**

20
21 DATED: May 4, 2015

22 BY: 
23 JEFFEREY E. ZINDER, ESQ.
24 Attorney for Plaintiff,
25 FINANCIAL INDEMNITY COMPANY

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CASE MANAGEMENT ORDER

The Court finds good cause to order the further continuance of the Case Management Conference until **2013**.

IT IS SO ORDERED:

Dated: 5/11/15



~~UNITED STATES DISTRICT COURT~~ MAGISTRATE JUDGE

ZINDER, KOCH & McBRATNEY
15455 San Fernando Mission Blvd. Suite 409
Mission Hills, CA 91345
(818) 760-0100

EXHIBIT

“1”

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT
for the
Northern District of California

Financial Indemnity Company _____ Plaintiff _____ v. Nadeem _____ Defendant _____)))) Civil Action No. 3:14-CV-04576-JCS
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NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: **RICHARD H. SCHOENBERGER, ESQ. ON BEHALF OF DEFENDANT, LEE GERSTEIN, M.D.**
(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 03/30/2015

Signature of the attorney or unrepresented party

RICHARD H. SCHOENBERGER, ESQ.

Printed name

650 California St. 26TH Floor
San Francisco, CA 94108

Address

RSchoenberger@WalkupLawOffice.com

E-mail address

(415) 981-7210

Telephone number

\\\zpdcl\data\clients\FIC COVERAGE\14-11244.01C\14-11244.01CCERTIFICATEOFSERVICE-ELECTRONICSERVICEMEF.docx

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E-Mail: JEZinder@ZinderKoch.com

Attorney for Plaintiff, Financial Indemnity Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FINANCIAL INDEMNITY
COMPANY.

Plaintiff,

vs.

RAHEEL NADEEM dba SHAN
EXPRESS, JUSTIN JAMES
HANESWORTH CASTELLANOS,
EXPRESS MESSENGER SYSTEMS,
INC. dba ONTRAC, LISA BERGLUND,
Personal Representative of the Estate of
JOY COVEY, Deceased, TYLER
GERSTEIN, a minor, by and through his
Guardian ad Litem, LEE GERSTEIN,
M.D.

Defendants.

Case No.: 3:14-CV-04576-JCS

**CERTIFICATE OF SERVICE OF
NOTICE OF A LAWSUIT AND
REQUEST TO WAIVE SERVICE OF
A SUMMONS**

I am familiar with the United State District Court, Northern District of California's practice for collecting and processing electronic filings. Under that practice, the following documents were electronically filed with the court **May 1, 2015**:

1 **NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A
SUMMONS**

2 The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF)
3 to the filing party, the assigned judge, and any registered users in the case. The NEF
4 will constitute service of the documents. Registration as a CM/ECF user constitutes
5 consent to electronic service through the Court's transmission facilities. Under said
6 practice, the following CM/ECF users were served:

7 Jeremy M. Jessup, Esq.

8 Cholakian & Associates

9 400 Oyster Point Blvd. Suite 415

10 South San Francisco, CA 94080

11 (650) 871-9544

12 Fax (650) 871-9552

13 E-Mail: Jjessup@cholakian.net

15 Richard H. Schoenberger, Esq.

16 Walkup, Melodia, Kelly & Schoenberger

17 650 California Street, 26TH Floor

18 San Francisco, CA 94108-2615

19 (415) 981-7210

20 Fax (415) 391-6965

21 E-Mail: RSchoenberger@WalkupLawOffice.com

23 I declare under penalty of perjury under the laws of the United States of
24 America that the foregoing is true and correct.

25 Executed on May 1, 2015, Mission Hills, California.

27 /s/ Maria E. Flores
28 Declarant.

EXHIBIT

“2”

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Attorney for Plaintiff, Financial Indemnity Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**FINANCIAL INDEMNITY
COMPANY.**

Plaintiff,

vs.

RAHEEL NADEEM dba SHAN
EXPRESS, JUSTIN JAMES
HANESWORTH CASTELLANOS,
EXPRESS MESSENGER SYSTEMS,
INC. dba ONTRAC, LISA BERGLUND,
Personal Representative of the Estate of
JOY COVEY, Deceased, TYLER
GERSTEIN, a minor, by and through his
Guardian ad Litem, LEE GERSTEIN,
M.D.

Defendants,

Case No.: 3:14-CV-04576-JCS

**STIPULATION FOR EXTENSION
OF TIME TO RESPOND TO
INITIAL COMPLAINT (Civil L.R. 6-
1(a))**

Complaint served: 4/1/2015

Current response date: 4/22/2015

New response date: 5/6/2015

**Case Management Conference
Date: May 15, 2015
Time: 2:00 p.m.
Courtroom: G**

TO THE HONORABLE COURT:

Plaintiff, Financial Indemnity Company ("Plaintiff") and Defendant, LISA BERGLUND, Personal Representative of the Estate of JOY COVEY stipulate,

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1 through their counsel of record that the time for Defendant, LISA BERGLUND,
2 Personal Representative of the Estate of JOY COVEY to respond to the complaint in
3 this action shall be extended 14 days, from April 22, 2015 to May 6, 2015.

4

5

6 Respectfully Submitted,
7 **ZINDER, KOCH & MCBRATNEY**

8 DATED: May 4, 2015

9 BY: 
10 JEFFREY E. ZINDER, ESQ.
11 Attorney for Plaintiff,
12 FINANCIAL INDEMNITY COMPANY

13
14 DATED: May 4, 2015

15 BY: 
16 HOLLAND & HART, LLP

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MATTHEW HIPPLER, ESQ.
Attorney for Defendant,
Lisa Berglund,
Personal Representative of the
Estate of Joy Covey

ZINDER, KOCH & MCBRATNEY
15455 San Fernando Mission Blvd. Suite 409
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Case3:14-cv-04576-JCS Document37 Filed05/08/15 Page3 of 5

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Attorney for Plaintiff, Financial Indemnity Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FINANCIAL INDEMNITY COMPANY,

Plaintiff,

vs.

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EXPRESS, JUSTIN JAMES
HANESWORTH CASTELLANOS,
EXPRESS MESSENGER SYSTEMS,
INC. dba ONTRAC, LISA BERGLUND,
Personal Representative of the Estate of
JOY COVEY, Deceased, TYLER
GERSTEIN, a minor, by and through his
Guardian ad Litem, LEE GERSTEIN,
M.D.

Defendants.

Case No.: 3:14-CV-04576-JCS

**CERTIFICATE OF SERVICE OF
STIPULATION FOR EXTENSION
OF TIME TO RESPOND TO
INITIAL COMPLAINT
(Civil L.R. 6-1(a))**

I am familiar with the United State District Court, Northern District of California's practice for collecting and processing electronic filings. Under that practice, the following documents were electronically filed with the court **May 8, 2015**:

1 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO**
2 **INITIAL COMPLAINT (Civil L.R. 6-1(a))**

3 The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF)
4 to the filing party, the assigned judge, and any registered users in the case. The NEF
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6 consent to electronic service through the Court's transmission facilities. Under said
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22 Timothy J. Riley, Esq.
23 Holland & Hart, LLP
24 5441 Kietzke Lane, Second Floor
25 Reno, NV 89511
26 (775) 327-3000

Case3:14-cv-04576-JCS Document37 Filed05/08/15 Page5 of 5

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1 Fax (775) 786-6179

2 E-Mail: TRiley@hollandhart.com

3
4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct.

6 Executed on **May 8, 2015**, Mission Hills, California.
7

8 /s/ Maria E. Flores
9 Declarant.
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Defendants.

Case No.: 3:14-CV-04576-JCS

**CERTIFICATE OF SERVICE OF
REPORT BY COUNSEL ON
STATUS OF PREVIOUSLY
UNSERVED PARTIES FOR USE AT
CONTINUED CASE
MANAGEMENT CONFERENCE**

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1 **REPORT BY COUNSEL ON STATUS OF PREVIOUSLY UNSERVED**
2 **PARTIES FOR USE AT CONTINUED CASE MANAGEMENT**
3 **CONFERENCE**

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5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct.

7 Executed on **May 8, 2015**, Mission Hills, California.

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9 /s/ Maria E. Flores

10 Declarant.

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